THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.17205 of 2006

Between:

Kolagani Srinivasa Rao.

.. PETITIONER

and

The Superintendent of Police,
Vizianagaram District and others.

..
RESPONDENTS

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ORDER:

This writ petition is filed seeking a declaration that the action of the

respondents from interfering with the exhibition of Games of Skill, such as, (i) Ring throw, (ii) Ball Box (iii) Video games, (iv) Dart throw and (v) steel games, is illegal and arbitrary.

It is stated that while the petitioner is exhibiting the said games in his native village of Kolaganivaripalem, Nagaram Mandal, Guntur District and other neighbouring places, the respondents are interfering with the same. It is stated that except the said games, he is not resorting to any other illegal activities, which are prohibited by Section 15 of the A.P.Gaming Act, 1974 (for short "the Act").

It is further stated that Section 15 of the Act stipulates that the Act shall not apply to the games of skill, wherever played.

The 1st respondent filed a counter affidavit stating that in fact police never interfered with exhibiting of the said skilled games at any point of time, and absolutely, there is any complaint, whatsoever, either by the petitioner or anybody. It is further stated that as no permission is required to conduct such skilled games, the question of interfering by the police does not arise. Therefore, the writ petition filed by the petitioner is without any justification and the same is liable to be dismissed.

Having regard to the facts and circumstances of the case, it is just and proper to direct the respondents not to interfere with the lawful activities of the petitioner. However, if the petitioner conducts games of gambling or betting, it is always open for the police to take appropriate criminal action against the petitioner.

Accordingly, the writ petition is disposed of directing the respondents not to interfere with the lawful activities of the petitioner. However, it is made clear that it is open to the respondents to take appropriate action in accordance with law, in case, the petitioner indulges in illegal activities. There shall be no order as to costs.

23-03-2007

Prv